

Congress of the United States
House of Representatives
Washington, DC 20515-3805

November 08, 2010

Water Docket
Environmental Protection Agency
Mailcode: 28221T
1200 Pennsylvania Ave., NW.
Washington, DC 20460

RE: Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

(Document ID EPA-R03-OW-2010-0736-0001)

To Whom It May Concern:

Pursuant to Federal Register Document EPA-R03-OW-2010-0736-0001, thank you for the opportunity to comment on the Environmental Protection Agency's (EPA) Total Maximum Daily Load (TMDL) proposal.

Pennsylvania's Fifth Congressional District comprises approximately 22% of the Commonwealth and more than half of its 17 counties lie within the Chesapeake Bay watershed. While I recognize the importance of restoring the Bay, I have considerable concerns over implementation of this TMDL draft and the effects it will have on my Congressional district and other areas of rural Pennsylvania. Specifically, I have concerns over the major impacts the TMDL will have on our local governments and farms across the watershed.

As you know, this proposal, if implemented, will mandate "caps" and hard compliance deadlines on the amount of pollution that can be discharged into rivers and streams that feed into the Bay. The TMDL calls for 25 percent reductions in nitrogen and phosphorus and at least a 16 percent reduction in sediment that can be discharged into the Bay and its tributaries.

First, the reality is that if this TMDL proposal becomes law, our local boroughs, townships and municipalities will bear the brunt of these unfunded mandates. The TMDL requires that our local governments perform upgrades to point sources, such as water and sewage treatment facilities, if they don't meet these mandatory standards. This also includes upgrading management techniques for storm water runoff, erosion, and all other management activities that releases nitrogen, phosphorus or sediment in the watershed. Many of these small communities in rural Pennsylvania already have minimal budgets and simply cannot afford to spend hundreds of thousands to millions of dollars complying with these new rules. In other words, this proposal equates to costly unfunded mandates on local municipalities and boroughs that are often located in rural areas.

Secondly, this proposal alarms me because of its likely effects on Pennsylvania's farms and agribusiness. Because the TMDL mandate will regulate pollution levels from nonpoint sources, substantial new financial and regulatory burdens will be forced on many of Pennsylvania's farmers. Agriculture is

Pennsylvania's largest single industry, and is the top job source in many areas in my district and throughout the watershed region. Many farms in Pennsylvania tend to be small family-run businesses; and generally, most farmers in the Commonwealth are not independently wealthy. In recent years, many farms in Pennsylvania have had their wallets further squeezed due to the economic recession. Take Pennsylvania's number one sector within the agriculture industry – dairy - for example. Dairy producers have seen record breaking low prices in the past few years. Dairy prices have been so low for extended periods of time that producers have been unable to meet the costs of production. This has resulted in great financial hardship for our dairy farmers across the commonwealth, throughout the northeast, and nationwide. In some cases, low prices have driven some to bankruptcy, forcing the sale of the farm. The TMDL will without a doubt increase costs on Pennsylvania's farmers at a time when the nation is trying to pull out of a recession and many farmers are struggling just to meet their bottom lines.

Furthermore, this proposal concerns me because of the long-term impacts it likely will have on Pennsylvania agriculture and our rural economies. Due to market forces and well-intentioned federal policies, we unfortunately continue to see the trend of farms in rural Pennsylvania disappearing and agricultural lands taken out of production. This has been going on for decades and I strongly believe that a TMDL mandate such as this will inevitably result in the removal of more acres from agricultural production. Reducing our farm lands means less jobs and economic security in rural America and less food for our nation and abroad.

In conclusion, I wholeheartedly encourage restoration efforts of the Chesapeake Bay, but believe that unfunded mandates to force pollution reductions on communities that likely can't comply are entirely the wrong approach. By contrast, I strongly support more of an incentive-based approach to restoring the Chesapeake Bay. This is why I am an original cosponsor of Congressman Tim Holden's H.R. 5509, which creates such incentives for pollution reduction and offers rural Pennsylvania opportunities. Farm communities will play a major role in cleaning up the Bay, but it is vital that we provide these areas with the appropriate means to help reduce levels of pollutants, rather than hastily subjecting them to unrealistic goals.

Once again, thank you for the opportunity to comment on EPA's TMDL proposal. I have also included numerous letters sent to my office from concerned local officials.

Sincerely,

A handwritten signature in black ink that reads "Glenn GT Thompson". The signature is written in a cursive, slightly stylized font.

Glenn 'GT' Thompson

Member of Congress



JOHN E. DUGAN FIRE STATION • MUNICIPAL BUILDING

Borough of Wellsboro

28 CRAFTON STREET
WELLSBORO, PENNSYLVANIA 16901

October 15, 2010

Congressman Glenn Thompson
5th District, House of Representatives
124 Cannon House Office Building
Washington, DC 20515-3805

Dear Congressman Thompson,

The Council of the Borough of Wellsboro appreciates the opportunity to comment on the issues raised in your letter of October 1, 2010. We strongly support your efforts to codify the existing agreement between the states, offering incentive based programs for our and our neighboring municipalities.

We are strongly against the increased regulation associated with the Total Maximum Daily Load proposal. We are not in favor of any further regulation that would impose more economic hardship on our citizens and local industry. Osram Sylvania is the one remaining industry in our Borough and we cannot afford the loss of that industry. Nor is the Borough Council for the idea of mandated 'caps' and hard compliance deadlines on the amount of effluence that can be discharged and ultimately flow into the Chesapeake Bay Watershed.

Wellsboro has recently paid over \$15,000 for a study to put in effect a pretreatment ordinance that significantly reduces limits of phosphorus and nitrogen to our Waste Water Treatment Plant. Costs associated with another 25 percent reduction in these limits would cause an unfair burden on our users.

Please continue your efforts to fight this proposal. We are behind you 100 percent!

Sincerely,

Joan S. Hart
Council President

Ridgway Township Board of Supervisors

164 RIDGWAY DRIVE - RIDGWAY, PA 15853
TELEPHONE (814) 773-5625

OFFICE HOURS: Monday through Friday 10:00 a.m. to 4:00 p.m.

October 21, 2010

U.S. Representative Glenn Thompson
124 Cannon House Office Building
Washington, D.C. 20510
FAX: 202-225-5796

Dear Representative Thompson:

We are in receipt of your letter dated October 1, regarding restoration of the Chesapeake Bay.

While we would encourage efforts to maintain our water resources, we are also mindful that our waterways are probably the cleanest they have ever been in our national history. Controls on industries for many years have improved the water quality of our streams and rivers. And manufacturing has declined greatly as jobs have been exported overseas.

As all the meetings being held are South of our area, we will likely be unable to comment personally. We depend on you, our Congressman, to fairly represent us in this TMDL proposal. We too have a concern that residents would be provided with clean water. However, there must be a common sense approach to this issue. With so many people out of work and already hard pressed to pay the taxes levied upon them, this may not be the time for additional regulations and upgrading of management facilities to the degree that the EPA proposes.

An immediate concern among our residents in Elk County is the possible damage to rural water supplies by Marcellus Shale drilling. People need their water protected at the source as well. Why has DEP and EPA fallen short in this "big business" area, but continues to over-regulate the little guy.

Please keep our thoughts in mind as you move forward throughout this comment period. We appreciate your efforts to represent all citizens fairly.

Sincerely,

RIDGWAY TOWNSHIP
BOARD OF SUPERVISORS

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THE BOROUGH OF PHILIPSBURG
4 North Centre Street
Philipsburg, PA 16866

April 5, 2010

Congressman Glen Thompson
124 Cannon HOB
Washington, DC 20515

Dear Congressman Thompson:

We are writing to you because of our concern over a situation which is facing our Borough. This is the requirement which the Environmental Protection Agency (EPA) has imposed on the Commonwealth of Pennsylvania to meet Clean Water Act requirements with regards to pollution of the Chesapeake Bay.

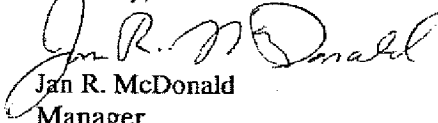
As the EPA admits, a very serious miscalculation was made several years ago by projecting that a substantial reduction of nutrients (nitrogen and phosphorous) into the tributaries which feed the bay could be met by imposing strict point source limitations, i.e. municipal sewage plants.

Unfortunately, this turned out not to be true. Instead, the evidence is overwhelming that by far the greatest source of these "nutrients" is from non-point sources, particularly agriculture, but including individual lawn fertilizing, etc. Nonetheless, the EPA is pushing ahead to require that all sewage treatment plants must meet strict new nutrient removal standards by 2013.

In our case, an engineering feasibility study has been contracted by the Moshannon Valley Joint Sewer Authority (MVJSA), which provides options to meet the new standards. The option recommended by the study would cost over \$14 million. Even with favorable funding, this would increase the average sewer bill of Philipsburg Borough by at least \$55.00 a month, making our rates almost double the suggested average resident per month rate in Pennsylvania. This would be devastating to the many elderly and low income residents of our Borough. The same is true for the other municipalities served by the MVJSA as well as others in Pennsylvania.

We urge you to look into this problem and try to convince the EPA that there has to be some way to correct this problem on a more equitable basis than putting it on the backs of small municipalities such as the Borough of Philipsburg.

Sincerely,


Jan R. McDonald
Manager
Philipsburg Borough

LAWRENCE TOWNSHIP BOARD OF SUPERVISORS

SUPERVISORS

WILLIAM D. LAWHEAD
GLENN JOHNSTON
EDWARD E. BROWN

(814) 765-0176



P.O. BOX 508
CLEARFIELD, PA. 16830

SECRETARY-TREASURER
BARBARA SHAFFNER

(814) 765-4551
FAX (814) 765-5258
E-Mail ltbos3@atlanticbb.net

March 9th, 2010

Honorable Glenn Thompson
124 Cannon House Office Bldg
Washington, D.C. 20515

Dear Honorable Glenn Thompson,

I write to you today concerning an issue that will have severe economic impact on the residents of Lawrence Township. The Chesapeake Bay clean up effort is going to be devastating on our local population and our economy. As it stands now your constituents stand to see their monthly sewage fees double and possibly triple in some instances because of this program.

The trading of these "Nutrient Credits" is going to be a nightmare. They will go to the highest bidder and that may or may not be us. The E.P.A. and D.E.P. have targeted our municipal authorities because they hold N.P.D.S. permits, this is wrong. They have gotten out of hand and out of touch with rural America. The motto seems to be damn the cost full speed ahead.

We just can't deal with un-funded mandates anymore. Please-stop-look-listen-help us out here, work with us, help us find alternatives to this unnecessary hardship being forced upon us.

We know the Bay is bad and we too want it cleaned up, but don't put this burden all on the back of your constituents. Let's look for alternatives, find a better solution, one that won't break the bank.

Respectfully,


William D. Lawhead, Chairman

Morris Township

1189 Oak Grove Road
Morrisdale, PA 16858
(814)342-4411
(814)342-6882 Fax
E-mail morristownship@isp.com
Mailing Contact: Gladys Straw

March 29, 2010

Honorable Glenn Thompson
124 Cannon House Office Building
Washington, DC 20515

Dear Mr. Thompson,

This intentions of this letter is to bring your attention in what we feel is a very serious problem which has the potential of bankrupting several municipalities in your district and bringing with it financial hardships to thousands of yours and our constituents. This is the requirement that the Environmental Protection Agency has imposed on the Commonwealth of Pennsylvania to meet the requirements of the Clean Water Act with regards to the pollution of the Chesapeake Bay.

As the EPA admits, a very serious miscalculation was made several years ago by projecting that a substantial reduction of nutrients (nitrogen and phosphorous) into the tributaries which feed the bay could be met by imposing strict limitations on point sources, i.e. municipal sewage treatment plants.

Unfortunately this turned out not to be true. Instead, the evidence is overwhelming that by far the greatest source of these "nutrients" is from nonpoint sources, particularly agriculture, but including individual lawn fertilization etc. Notwithstanding this evidence, the EPA is pushing ahead to require that all sewage treatment plants must meet even more stringent nutrient removal standards by 2010.

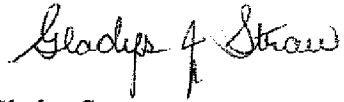
In our case, the Moshannon Valley Sewer Authority, acting in good faith, commissioned an engineering feasibility study to provide options to meet the currently proposed standards. The option recommended by the study would cost over \$14 million. This translates into an increase in the average sewer bill of the Morris Township residents of at least \$35.00 per month. Morris Township is largely made up of the Elderly with fixed incomes and low income residents. This would have a devastating effect on these residents. This is also true for the other townships and boroughs served by the Moshannon Valley Joint Sewer Authority as well as other small municipalities in Pennsylvania.

With all this being said and if the mandates move forward then funding should be made available to all the sewer authorities and municipalities involved.

We respectfully ask for your intervention to try to correct this very unfair situation.

Sincerely,

On behalf of the Morris Township Supervisors

A handwritten signature in cursive script that reads "Gladys Straw". The signature is written in dark ink and is positioned above the printed name and title.

Gladys Straw
Secretary

**Municipal Authority
of the Twp. of Morris**

5719 Morris-Allport Hwy.

P.O. Box 121

Allport, Pa 16821

(814) 345-6535

TTY/TDD For Hearing Impaired Use PA Relay: 7-1-1

March 22, 2010

*Representative Glenn Thompson Jr.
124 Cannon House Office
District of Columbia, 20510-3805*

RE: Chesapeake Bay Watershed Initiative

Dear Representative Thompson,

We are writing to bring to your attention a very serious crisis which has the potential for bankrupting our authority and township along with the Moshannon Valley Joint Sewer Authority (MVJSA) and several other municipalities in your district, and bringing untold financial hardship to thousands of your constituents. This problem is the requirement which the Environmental Protection Agency (EPA) has imposed on the Commonwealth of Pennsylvania to meet the requirements of the Clean Water Act with regards to pollution of the Chesapeake Bay.

As the EPA admits, a very serious miscalculation was made several years ago by projecting that a substantial reduction of nitrogen and phosphorous into the tributaries which feed the bay could be met by imposing strict limitations on point sources, i.e. municipal sewage treatment plants.

However, the evidence is overwhelming that by far the greatest source of these nutrients is from non-point sources, particularly agriculture, but also including individual lawn fertilizing etc. Notwithstanding this evidence, the EPA is forging ahead to require that all sewage treatment plants must meet even more stringent nutrient removal standards soon.

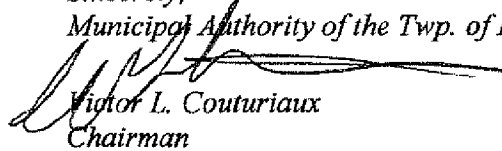
In our case, the MVJSA acting in good faith, requested an engineering feasibility

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study to provide options to meet the currently proposed standards. The option recommended by the study would cost over \$14 million. Even assuming favorable funding for a \$14 million plus project, this would still translate into an increase to each sewer bill in our service area within Morris & Graham Townships of \$35 a month, and possibly as high as \$48 a month with less favorable funding. This kind of rate increase would have an overwhelming affect on our residents and business and a devastating effect on our elderly and low income residents in our service area. The same is true for the other municipalities served by the MVJSA as well as other small communities throughout Pennsylvania.

We at this time are respectfully requesting your intervention to try to correct this very harmful and unfair situation. If you have any questions in regards to this matter please feel free to contact me.

Sincerely,
Municipal Authority of the Twp. of Morris



Victor L. Couturiaux
Chairman

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Hickory Township Supervisors Forest County

P.O. Box 44, Endeavor, Pa. 16322 (814) 463-7321 Fax (814) 463-0088

George R. Oliver, Chairman - Edward L. Vincent, Vice Chairman - Robin L. Santangelo - Supervisor

May 10, 2010

Mr. Glenn Thompson, Representative 5th District
U.S. House of Representatives
124 Cannon HOB
Washington, DC 20515

Dear Glenn,

It was good to meet you at the recent Forest County Republican Party gathering. I am writing you on behalf of the Hickory Township Board of Supervisors and our citizens.


Hickory Township, Forest County, Pa. is currently tasked by the Pa. Department of Environmental Protection to update our Sewage Facilities Plan (Act 537) and thereafter, implement said plan. At this time it appears that the only way to satisfy DEP requirements will be the construction of a Sewage Treatment Plant that will serve 210 residences. While final costs cannot be determined at this point in the process, preliminary estimates suggest the project costs to be somewhere between four to five million dollars, with operating costs anticipated at 50 to 60 dollars per month for each unit served.

The areas to be served are comprised mainly of elderly folks living on fixed incomes, young people raising families and seasonal residences. Most of these folks are well below average income. With the exception of Intergovernmental Revenues dedicated to road maintenance, the annual income to Hickory Township's General Fund is about 74K. Since PENNVEST is not funding these types of projects at this time, the Engineers are applying to Rural Utility Services (USDA) to pre-qualify the township for funding. Whether that funding comes in the form of grants or loans, we can't say at this time.

According to the mandate from DEP (Consent Order and Agreement) construction must begin by the end of 2013 and be completed by October 31, 2014. The design phase of the project will begin upon DEP approval of the 537 Plan, expected to occur in the first quarter of 2011. Inability to obtain financing is not considered a reason for not starting or finishing the tasks set forth. Fines of \$100 per day commence when any schedule milestone misses its completion date.

I am writing to you to inform you of our circumstances and to request any help you might be able to supply. We are very concerned that DEP has forced us down a path that our residents cannot afford to travel.

Sincerely,


Robin L. Santangelo
Supervisor/ Secretary/ Treasurer